

***IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York***

**OCTOBER 2018 GRAND JURY
(Impaneled October 24, 2018)**

THE UNITED STATES OF AMERICA

**SUPERSEDING
INDICTMENT
18-CR-6094-FPG**

-vs-

**CARLOS JAVIER FIGUEROA a/k/a Javi
a/k/a Big Bro**

(Counts 1 and 2),

ROBERTO FIGUEROA

(Counts 1 and 2),

JONATHAN CRUZ-CARMONA a/k/a

Tapon a/k/a Eneno

(Counts 1, 2, and 6),

XAVIER TORRES a/k/a Pistolita

(Counts 1-5), and

JEAN KARLOS PIZARRO a/k/a Yankee

(Count 1)

Violations:

Title 21, United States Code,
Sections 841(a)(1) and 846;
Title 18, United States Code,
Sections 924(c)(1)(A)(i) and 2

(6 Counts)

COUNT 1

(Narcotics Conspiracy)

The Grand Jury Charges That:

Beginning in or about 2015, the exact date being unknown to the Grand Jury, and through on or about January 29, 2018, in the Western District of New York, and elsewhere, the defendants, **CARLOS JAVIER FIGUEROA a/k/a Javi a/k/a Big Bro, ROBERTO FIGUEROA, JONATHAN CRUZ-CARMONA a/k/a Tapon a/k/a Eneno, XAVIER TORRES a/k/a Pistolita, and JEAN KARLOS PIZARRO a/k/a Yankee**, did knowingly,

willfully, and unlawfully combine, conspire, and agree together and with others, known and unknown to the Grand Jury, to commit the following offenses, that is, to possess with intent to distribute, and to distribute, 5 kilograms or more of a mixture and substance containing cocaine, a Schedule II controlled substance, and 1 kilogram or more of a mixture and substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Possession of Firearms in Furtherance of Drug Trafficking Crime)

The Grand Jury Further Charges That:

Beginning in or about 2015, the exact date being unknown to the Grand Jury, and through on or about January 29, 2018, in the Western District of New York, the defendants, **CARLOS JAVIER FIGUEROA a/k/a Javi a/k/a Big Bro, ROBERTO FIGUEROA, JONATHAN CRUZ-CARMONA a/k/a Tapon a/k/a Eneno, and XAVIER TORRES a/k/a Pistolita**, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 846, committed in the manner set forth in Count 1 of this Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

COUNT 3

(Distribution of Cocaine)

The Grand Jury Further Charges That:

On or about July 12, 2015, in the Western District of New York, the defendant, **XAVIER TORRES a/k/a Pistolita**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, cocaine, a Schedule II controlled Substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 4

(Distribution of Heroin)

The Grand Jury Further Charges That:

On or about July 12, 2015, in the Western District of New York, the defendant, **XAVIER TORRES a/k/a Pistolita**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 5

(Distribution of Heroin)

The Grand Jury Further Charges That:

On or about July 21, 2015, in the Western District of New York, the defendant, **XAVIER TORRES a/k/a Pistolita**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 6

(Distribution of Heroin)

The Grand Jury Further Charges That:

On or about January 26, 2018, in the Western District of New York, the defendant, **JONATHAN CRUZ-CARMONA a/k/a Tapon a/k/a Eneno**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

DATED: Rochester, New York, February 14, 2019.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

s/FOREPERSON